

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32766 of 2014

Arising Out of PS.Case No. -2447 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Madhav Kumar Sanyal son of Late Anadi Nath Sanyal, Proprietor M/s Sanyal Animal Feed, resident of Raibahadur, S.P. Road, Khanjarpur, P.S. Barari, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gopal Upathaya, Ex-Branch Manager, Syndicate Bank Patel Babu Road, P.S.-Kotwali, District-Bhagalpur
3. Shri S.K. Halder son of not known, aged about 61 years, the then Branch Manager, Syndicate Bank, Patel Babu Road, P.S.Kotwali, District-Bhagalpur.
4. Purna Chandra Pati, presently posted as Chief Manager, Syndicate Bank, Fraser Road, P.S. Kotwali, District-Patna, aged about 55 years.
5. Md. Javed aged about 54 years, Field Officer, at present transferred to other Baranch of Syndicate Bank, Patel Babu Road, P.S. Kotwali, District-Bhagalpur,
6. Mr. Hembram, the the Field Officer, Sysdicate Bank, Patel Babu Road, P.S. Kotwali, District-Bhagalpur, aged about 56 years.
7. Sanjeev Kumar Gupta, the then Branch Manager, Syndicate Bank, Patel Babu Road, P.S. Kotwali, Distt. Bhagalpur, aged about 54 years.
8. Ashok Kumar Das, Sr. Branch Manager, Patel Babu Road, P.S. Kotwali, Distt. Bhagalpur, aged about 57 years.
9. Md. Ahsan, Bank Field Officer, Syndicate Bank, Patel babu Road, P.S. Kotwali, District-Bhagalpur, aged about 50 years.
10. Mr. Voda, the then acting Branch Manager, Syndicate Bank, Patel Babu Road, P.S. Kotwali, Distt. Bhagalpur, aged about 54 years.
11. R. K. Jalota, Dy. General Manager, Regional Officer, Syndicate Bank, Patna, P.S. Kotwali, District-Patna, aged about 58 years.
12. Sri S. K. Bala Krishnan, General Manager, (P.& L), Head Office, Syndicate Bank, Manipal (Karnataka) aged about 55 years.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Nirmal Kr.Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 25-08-2017 This application has been filed for quashing the order dated 17.05.2014 passed by the learned Sessions Judge, Bhagalpur, in Cr. Revision No. 99 of 2014 whereby he has dismissed the criminal revision petition.



Briefly stated the fact of the case is that Complaint Case No. 2447 of 2013 was filed by the petitioner in which it was stated that complainant is proprietor of M/s Sanyal Animal Feeds and is running the business of production of animal feeds and non-edible oil after his unit was registered with S.S.I. in the Directorate of Industries, Government of Bihar. Complainant-petitioner applied for C.C. Account before the Manager of Syndicate Bank, Patal Babu Road, Bhagalpur, who after scrutiny, examination, inspection and legal opinion sanctioned cash credit of Rs. 2 lacs in favour of the complainant and thereafter an Account in the name of the company was opened for its operation.

It has further been stated that at the time of opening of Cash Credit Account complainant was asked to execute bond of equitable mortgage of his lands as security for the loan amount. The Cash Credit loan was subsequently enhanced from Rs. 2 lacs to 3 lacs whereafter to six lacs on request of the complainant to the Manager of the Bank. It has further been alleged that on 23.03.2013 the complainant-petitioner cleared off all the bank loan from the said account and no dues certificate was issued by the Bank. The sale deed which was deposited with the Bank as security for the loan, the same was not returned to him and thereafter complainant served a notice to the Manager of the Bank. It has further been contended that on 23.11.2013 at about 10-30 A.M., the complainant met the Branch Manager of the Bank in his office to get the matter resolved but he was abused by the Branch Manager. On the basis of such allegation opposite party no. 2 filed a complaint case being Complaint Case No. 2447 of 2013 in which 12 employees of the said Bank were shown as accused in the complaint petition. Complainant-petitioner was examined on



Solemn Affirmation before the court and in support of his complaint case one witness was also examined in the court. On the basis of materials available on record, examination of petitioner on Solemn Affirmation and one witness, the court below found prima facie case to be made out against Mr. B. K. Gupta, who was the Branch Manager at the relevant time and did not find any material against other persons, shown as accused in the complaint petition, to proceed against them and as such, after due consideration the court below has taken cognizance under Sections 418 and 323 of the Indian Penal Code against B. K. Gupta, who was shown as accused no. 1 in the complaint petition. Against the order dated 07.04.2013 taking cognizance against one person shown as accused no. 1 and finding of the trial court that no offence is made out against the rest of the persons who have been shown as accused in the complaint petition, petitioner filed a criminal revision giving rise to Criminal Revision No. 99 of 2014 on the ground that there were sufficient materials before the court to proceed against other accused named in complaint petition and as such, taking cognizance against the sole accused is contrary to the evidence on record. The revisional court after going through the order as well as other documents attached with the revision application held that the order of the Judicial Magistrate does not require any interference. The Judicial Magistrate at the time of taking cognizance has considered every aspect of the matter and on the basis of materials available before the court, statement of the complainant on Solemn Affirmation and evidence on enquiry, the court below found prima facie case made out against the sole accused. The said order dated 07.04.2014 of the Judicial Magistrate, Ist Class, Bhagalpur, in Complaint Case No. 2447 of



2013 was not interfered by revisional court.

After going through the orders passed by the learned courts below, I do not find any error, illegality or irregularity in the orders passed by the learned courts below requiring any interference by this Court. As such, petition filed under Section 482 of the Code of Criminal Procedure is dismissed.

The petition stands dismissed.

(S. Kumar, J)

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